

# House Study Bill 287

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON JOCHUM)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to campaign contributions, the filing of  
2 disclosure reports, the posting of statements, reports, and  
3 related correspondence on the internet, the posting of signs  
4 on private property, and the escheat of funds from an unknown  
5 or unidentifiable source.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 2839HC 82  
8 jr/gg/14

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1 1 Section 1. Section 68A.102, subsection 10, paragraph b,  
1 2 unnumbered paragraph 2, Code 2007, is amended to read as  
1 3 follows:  
1 4 "Contribution" shall not include services provided without  
1 5 compensation by individuals volunteering their time on behalf  
1 6 of a candidate's committee or political committee or a state  
1 7 or county statutory political committee except when organized  
1 8 or provided on a collective basis by a business, trade  
1 9 association, labor union, or any other organized group or  
1 10 association. "Contribution" shall not include refreshments  
1 11 served at a campaign function so long as such refreshments do  
1 12 not exceed fifty dollars in value or transportation provided  
1 13 to a candidate so long as its value computed at a rate of  
~~1 14 twenty cents per mile the current rate of reimbursement~~  
~~1 15 allowed under the standard mileage rate method for computation~~  
~~1 16 of business expenses pursuant to the Internal Revenue Code~~  
1 17 does not exceed one hundred dollars in value in any one  
1 18 reporting period. "Contribution" shall not include something  
1 19 provided to a candidate for the candidate's personal  
1 20 consumption or use and not intended for or on behalf of the  
1 21 candidate's committee.  
1 22 Sec. 2. Section 68A.201, subsection 1, Code 2007, is  
1 23 amended to read as follows:  
1 24 1. Every committee, as defined in this chapter, shall file  
1 25 a statement of organization within ten days from the date of  
1 26 its organization. Unless formal organization has previously  
1 27 occurred, a committee is deemed to have organized as of the  
1 28 date that committee transactions exceed the financial activity  
1 29 threshold established in section 68A.102, subsection 5 or 18.  
~~1 30 If committee transactions exceed the financial activity~~  
~~1 31 threshold prior to the due date for filing a disclosure report~~  
~~1 32 as established under section 68A.402, the committee shall file~~  
~~1 33 a disclosure report whether or not a statement of organization~~  
~~1 34 has been filed by the committee.~~  
1 35 Sec. 3. Section 68A.201, subsection 5, Code 2007, is  
2 1 amended to read as follows:  
2 2 5. a. When either a committee or organization not  
2 3 organized as a committee under this section makes a  
2 4 contribution to a committee organized in Iowa, that committee  
2 5 or organization shall disclose each contribution in excess of  
2 6 fifty dollars to the board.  
2 7 b. A committee or organization not organized as a  
2 8 committee under this section ~~which that~~ is not registered and  
2 9 filing full disclosure reports of all financial activities  
2 10 with the federal election commission or another state's  
2 11 disclosure commission shall register and file full disclosure  
2 12 reports with the board pursuant to this chapter, ~~and.~~ The  
~~2 13 committee or organization~~ shall either appoint an eligible  
2 14 Iowa elector as committee or organization treasurer, or shall  
2 15 maintain all committee funds in an account in a financial

2 16 institution located in Iowa.

2 17 c. A committee ~~which that~~ is currently filing a disclosure

2 18 report in another jurisdiction shall either file a statement

2 19 of organization under subsections 1 and 2 and file disclosure

2 20 reports, ~~the same as those required of committees organized~~

2 21 ~~only in Iowa,~~ under section 68A.402, or shall file one copy of

2 22 a verified statement with the board ~~and a second copy with the~~

2 23 ~~treasurer of the committee receiving the contribution. The~~

2 24 ~~form shall be completed and filed at the time the contribution~~

2 25 ~~is made within fifteen days of the contribution being made.~~

2 26 d. The verified statement shall be on forms prescribed by

2 27 the board and shall attest that the committee is filing

2 28 reports with the federal election commission or in a

2 29 jurisdiction with reporting requirements which are

2 30 substantially similar to those of this chapter, and that the

2 31 contribution is made from an account ~~which that~~ does not

2 32 accept contributions ~~which that~~ would be in violation of

2 33 section 68A.503.

2 34 e. The ~~form~~ verified statement shall include the complete

2 35 name, address, and telephone number of the contributing

3 1 committee, the state or federal jurisdiction under which it is

3 2 registered or operates, the identification of any parent

3 3 entity or other affiliates or sponsors, its purpose, the name

3 4 and address of an Iowa resident authorized to receive service

3 5 of original notice, ~~and~~ the name and address of the receiving

3 6 committee, the amount of the cash or in-kind contribution, and

3 7 the date the contribution was made.

3 8 Sec. 4. Section 68A.203, subsection 2, Code 2007, is

3 9 amended to read as follows:

3 10 2. a. An individual who receives contributions for a

3 11 committee without the prior authorization of the chairperson

3 12 of the committee or the candidate shall be responsible for

3 13 either rendering the contributions to the treasurer within

3 14 fifteen days of the date of receipt of the contributions, or

3 15 depositing the contributions in the account maintained by the

3 16 committee within seven days of the date of receipt of the

3 17 contributions.

3 18 b. A person, ~~other than a candidate or committee officer,~~

3 19 who receives contributions for a committee shall, not later

3 20 than fifteen days from the date of receipt of the

3 21 contributions or on demand of the treasurer, render to the

3 22 treasurer the contributions and an account of the total of all

3 23 contributions, including the name and address of each person

3 24 making a contribution in excess of ten dollars, the amount of

3 25 the contributions, and the date on which the contributions

3 26 were received.

3 27 c. The treasurer shall deposit all contributions within

3 28 seven days of receipt by the treasurer in an account

3 29 maintained by the committee.

3 30 d. All funds of a committee shall be segregated from any

3 31 other funds held by officers, members, or associates of the

3 32 committee or the committee's candidate. However, if a

3 33 candidate's committee receives contributions only from the

3 34 candidate, or if a permanent organization temporarily engages

3 35 in activity ~~which that~~ qualifies it as a political committee

4 1 and all expenditures of the organization are made from

4 2 existing general operating funds and funds are not solicited

4 3 or received for this purpose from sources other than operating

4 4 funds, then that committee is not required to maintain a

4 5 separate account in a financial institution.

4 6 e. Committee funds or committee property shall not be used

4 7 for the personal benefit of ~~an a~~ a candidate, officer, member,

4 8 or associate of the committee. The funds of a committee are

4 9 not attachable for the personal debt of the committee's

4 10 candidate or an officer, member, or associate of the

4 11 committee.

4 12 Sec. 5. Section 68A.401, subsections 1 and 3, Code 2007,

4 13 are amended to read as follows:

4 14 1. All statements, correspondence with a committee

4 15 relating to statements or reports filed by that committee

4 16 except for communications made as part of a board

4 17 investigation, and reports required to be filed under this

4 18 chapter shall be filed with the board. The board shall

4 19 ~~provide copies of all statements and reports filed under this~~

4 20 ~~chapter for a county, city, school, or other political~~

4 21 ~~subdivision to the commissioner responsible under section 47.2~~

4 22 post on its internet website all statements, correspondence

4 23 with a committee relating to statements or reports filed by

4 24 that committee except for communications made as part of a

4 25 board investigation, and reports filed under this chapter.

4 26 3. The commissioner shall retain statements and reports

~~4 27 provided by the board for a county, city, school, or other~~  
~~4 28 political subdivision for at least three years from the date~~  
~~4 29 of the election in which the committee is involved. However,~~  
~~4 30 statements and reports provided by the board for county~~  
~~4 31 statutory political committees shall be retained for five~~  
~~4 32 years from the date of the election in which the committee is~~  
~~4 33 involved. The candidate of a candidate's committee, or the~~  
~~4 34 chairperson of any other committee, is responsible for filing~~  
~~4 35 statements and reports under this chapter. The board shall~~  
5 1 send notice to a committee that has failed to file a  
5 2 disclosure report at the time required under section 68A.402.  
5 3 A candidate of a candidate's committee, or the chairperson of  
5 4 any other committee, may be subject to a civil penalty for  
5 5 failure to file a disclosure report required under section  
5 6 68A.402.

5 7 Sec. 6. Section 68A.402, subsection 8, Code 2007, is  
5 8 amended to read as follows:  
5 9 8. POLITICAL COMMITTEES == BALLOT ISSUES. A political  
5 10 committee expressly advocating the passage or defeat of a  
5 11 ballot issue shall file reports as follows:  
5 12 a. ELECTION YEAR. Five days before the election covering  
5 13 the period of the date of initial activity through ten days  
5 14 before election. Another report covering the time period from  
5 15 nine days before the election through December 31 shall be  
5 16 filed on or before January 19 of the next calendar year.  
5 17 b. NONELECTION YEAR. On January 19 of the next calendar  
5 18 year that covers the time period of ~~nine days before the~~  
5 19 ~~election through December 31~~ January 1 through December 31 of  
5 20 the previous calendar year.

5 21 Sec. 7. Section 68A.406, subsection 2, unnumbered  
5 22 paragraph 2, Code 2007, is amended to read as follows:  
5 23 ~~This subsection~~ Subparagraphs "d", "e", and "f" shall not  
5 24 apply to the posting of signs on private property not a  
5 25 polling place, except that the placement of a sign on a motor  
5 26 vehicle, trailer, or semitrailer, or any attachment to a motor  
5 27 vehicle, trailer, or semitrailer parked on public property  
5 28 within three hundred feet of a polling place, which sign is  
5 29 more than ninety square inches in size, is prohibited.

5 30 Sec. 8. Section 68A.501, Code 2007, is amended to read as  
5 31 follows:  
5 32 68A.501 FUNDS FROM UNKNOWN SOURCE == ESCHEAT.  
5 33 The expenditure of funds from an unknown or unidentifiable  
5 34 source received by a candidate or committee is prohibited.  
5 35 Such funds received by a candidate or committee shall escheat  
6 1 to the state. Any candidate or committee receiving such  
6 2 contributions shall remit such contributions to the ~~director~~  
6 3 ~~of the department of administrative services board which shall~~  
6 4 forward it to the treasurer of state for deposit in the  
6 5 general fund of the state. Persons requested to make a  
6 6 contribution at a fundraising event shall be advised that it  
6 7 is illegal to make a contribution in excess of ten dollars  
6 8 unless the person making the contribution also provides the  
6 9 person's name and address.

6 10 EXPLANATION  
6 11 This bill makes a variety of changes to Iowa's campaign  
6 12 finance and disclosure requirements.  
6 13 Code section 68A.102 is amended to modify the definition of  
6 14 a contribution and strikes current language that provides that  
6 15 a reportable contribution shall not include transportation  
6 16 provided to a candidate so long as its value is computed at a  
6 17 rate of 20 cents per mile. This change maintains the \$100 cap  
6 18 for transportation but ties the per mile limit to the internal  
6 19 revenue service rate.  
6 20 Code section 68A.201 is amended to require a committee to  
6 21 file a disclosure report, whether or not a statement of  
6 22 organization has been filed by the committee, whenever the  
6 23 financial threshold for disclosure reporting has been met.  
6 24 Code section 68A.201, subsection 5, is amended to require a  
6 25 committee that is currently filing a disclosure report in  
6 26 another jurisdiction to either file a statement of  
6 27 organization and disclosure report, or file one copy of a  
6 28 verified statement with the board. The filing must be  
6 29 completed within 15 days of the contribution being made.  
6 30 Code section 68A.203, subsection 2, relating to the  
6 31 handling of campaign contributions, is amended to exclude a  
6 32 candidate or committee officer from the current requirement  
6 33 that a person who receives contributions for a committee must,  
6 34 not later than 15 days from the date of receipt of the  
6 35 contributions or on demand of the treasurer, render to the  
7 1 treasurer the contributions and an account of the total of all  
7 2 contributions, including the name and address of each person

7 3 making a contribution in excess of \$10. The bill also amends  
7 4 the Code section to provide that committee funds and committee  
7 5 property cannot be used for the personal benefit of a  
7 6 candidate. The current prohibition applies only to an  
7 7 officer, member, or associate of the committee.  
7 8 Code section 68A.401 is amended to provide that the board  
7 9 will make reports, statements, and certain types of  
7 10 correspondence relating to the reports and statements  
7 11 available on the internet. The Code section is also amended  
7 12 to provide that the candidate of a candidate's committee, or  
7 13 the chairperson of any other committee, is responsible for  
7 14 filing statements and reports under the Code chapter. A civil  
7 15 penalty is made applicable to the failure to file a disclosure  
7 16 report required under Code section 68A.402.  
7 17 The Code section also eliminates a current requirement that  
7 18 each county commissioner of elections retain statements and  
7 19 reports for a county, city, school, or other political  
7 20 subdivision for at least three years and that statements and  
7 21 reports for county statutory political committees must be  
7 22 retained for five years.  
7 23 Code section 68A.402, subsection 8, is amended to revise  
7 24 the reporting dates for a political committee advocating the  
7 25 passage or defeat of a ballot issue by adding a requirement  
7 26 that in an election year a report must be filed covering the  
7 27 time period from nine days before the election through  
7 28 December 31, on or before January 19 of the next calendar  
7 29 year, and in a nonelection year a report must cover the time  
7 30 period of January 1 through December 31 of the previous  
7 31 calendar year.  
7 32 Code section 68A.406 relates to the restrictions for  
7 33 posting of signs on private property. The bill amends the  
7 34 Code section by making the following three specific situations  
7 35 where those restrictions do not apply:  
8 1 1. On election day either on the premises of any polling  
8 2 place or within 300 feet of any outside door of any building  
8 3 affording access to any room where the polls are held, or of  
8 4 any outside door of any building affording access to any  
8 5 hallway, corridor, stairway, or other means of reaching the  
8 6 room where the polls are held.  
8 7 2. Within 300 feet of an absentee voting site during the  
8 8 hours when absentee ballots are available in the office of the  
8 9 county commissioner of elections.  
8 10 3. Within 300 feet of a satellite absentee voting station  
8 11 during the hours when absentee ballots are available at the  
8 12 satellite absentee voting station.  
8 13 Code section 68A.501 relates to the escheat of funds from  
8 14 unknown sources to the proper governmental agency.  
8 15 LSB 2839HC 82  
8 16 jr:rj/gg/14